



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2208419
Applicant Name: Kyle Marston
Address of Proposal: 5613 21st Av SW

SUMMARY OF PROPOSED ACTION

Master use permit to subdivide one parcel into four parcels of land in an environmentally critical area. Proposed parcel sizes are: A) 5,056 sq. ft., B) 5,020 Sq. ft., C) 5,734 sq. ft.; and D) 5,972 sq. ft. The existing structures are to remain.

The following approvals are required:

Short Subdivision - to divide one parcel of land into four parcels.
(Seattle Municipal Code Chapter 23.24)

SEPA – Environmental Determination – SMC Chapter 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity

The subject site is located on 21st Avenue Southwest between Southwest Juneau Street and Southwest Brandon Street in the Puget Ridge neighborhood of West Seattle. The existing lot area is approximately 21,781 square feet located in a Single Family residential zone with a minimum lot size of 5,000 square feet (SF 5000). The site is rectangle in shape and the topography is characterized by a steep slope along the western boundary that is greater than 40 percent and also designated as landslide prone. The site has several large trees with an under story of shrubs and grasses and residential ornamental landscaping. Currently one single-family residential structure and an adjacent shed occupy the development site.

The site has approximately 107.23 lineal feet of frontage on 21st Avenue Southwest with a right of way width of fifty feet, which is a two-lane paved street that does not have sidewalks, curbs and gutters.

The surrounding neighborhood is zoned Single family (SF5000) with a Lowrise-Duplex-Triplex (LDT) zone to the northwest on 23rd Avenue Southwest. The rest of the area is characteristic of low density residential zones, quiet streets during mid-afternoon with little pedestrian activity.

There are sixteen trees currently on the site. The site is densely populated with Himalayan blackberry and English ivy which are a non-native exotic species.

Proposal

The proposal is to subdivide one parcel into four parcels of land. Proposed parcel areas exceed the minimum lot area of the required 5000 square feet. Proposed parcels will have access from 21st Avenue Southwest by way of a 10 foot easement. Vehicular parking will be provided on each parcel. The existing single family structure and adjacent shed will remain at the development site on proposed Parcel 1.

The applicant has applied for and has been denied an environmentally critical area exemption.

Public Comments

The notice for the proposed project was published on June 5, 2003. The comment period ended on July 2nd, 2003, and 4 comment letters and a Petition with 64 signatures were received. The comments expressed concerns over increased density in the neighborhood, traffic and parking concerns and the impact to the environmentally critical area (steep slope).

Environmentally Critical Area Regulations:

Seattle Municipal Code (SMC) Sections 25.09.060 establish standards that apply to all development within designated Environmentally Critical Areas, which includes submittal requirements for verifying the location of all such areas. SMC Section 25.09.180 provides specific standards for development on steep slopes and steep slope buffers on existing lots, including the general requirement that development

shall be avoided in steep slope areas whenever possible. If avoidance of development in steep slope areas is not practicable, then a standard applies limiting grading, developmental activity, and other land disturbing activity to a

maximum of 30% of the area measured as steep slopes of 40% or greater. General requirements and standards described in Section 25.09.060 include the recording of conditions, as well as specific construction methods and procedures.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development; review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The lots created by the proposed short subdivision will conform to all development standards of the SF 5000 zone. Parcels A through Parcel D meet the required minimum lot area of the SF 5000 zone. The lot configurations provide adequate buildable area to meet applicable, yards, lot coverage requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application.

2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;

Each of the proposed parcels will have adequate access for vehicles, utilities, and fire protection through either frontage on 21st Avenue SW or by a 10 foot access easement. Parking will be provided on each individual parcel. The Seattle Fire Department has reviewed and approved this proposal for adequacy of emergency vehicle access. All private utilities are available in this area. Seattle City Light will require an overhead/underground easement (Exhibit "A"). This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. Adequacy of drainage, water supply, and sanitary sewage disposal;

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extensions.

There is an 8-inch public sanitary sewer (PSS) located in 21st Avenue S.W. There is also an 8-inch PSS located in 23rd Avenue S. W.

There is a ditch and culvert located on the east side of 23rd Avenue SW. A proposed utility easement has been shown on the submitted Short Plat Survey across 5622 23rd Avenue S.W., for the benefit of the proposed Short Plat. There does not appear to be another point for stormwater discharge, so it is

imperative that this easement be provided. The sanitary sewer and drainage reviewer requires the applicant to provide the King County recording number for the utility easement.

Stormwater plan review requirements will be made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at the time. If the project is greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.805.015D and 22.802.020 may be required.

Seattle Public Utilities issued a Water Availability Certificate Number 2003-0628 on June 13, 2003. All conditions on the Water Availability Certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with relevant SF 5000 zone land use policies and meets the minimum provisions of the Seattle Land Use Code. The proposal will meet all applicable criteria for approval of a short plat as discussed in this analysis and decision upon completion of the conditions of this decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The site is rectangle in shape and the topography is characterized by a steep slope along the western boundary which is designated as a 40% Steep Slope and a Landslide Prone area, however, there is no recorded landslide activity in the site vicinity. The eastern half of the site is relatively flat, about 5 to 15%. The grade steepens to about 25% in the western half of the site and then to about 40% beyond the western property line.

A geotechnical report, completed by Soils & Environment Engineers, Inc. and dated April 9th, 2003, was submitted to DPD. The report recommends a no-disturbance buffer zone of 15 feet from the top of the 40% steep slope and a building setback of 10 feet from the buffer. Also, Runoff of surface water over the slope could result in erosion of the surficial soils. The erosion would in turn reduce slope stability. The recommendation in the report was that the site be graded in such a manner that the storm water runoff will be collected and not flow over the steep slope. Further geotechnical recommendations, from the report, regarding the proposed development can be found in the project file.

This site is mapped as being in an environmentally critical area (as defined in SMC 25.09.240) due to sloping in excess of forty (40) percent. The proposed project does not pose a long-term environmental hazard as long as Geotechnical report guidelines are followed.

6. *Is designed to maximize the retention of existing trees;*

Pursuant to SMC 23.44.008 (I), trees shall be required when single-family dwelling units are constructed. The minimum number of caliper inches of trees required per lot may be met through either tree preservation or planting, or a combination of preservation and planting. This requirement may be met by planting or preserving trees in the public right-of-way adjacent to the subject lot. For lots over 3,000 square feet, at least two (2) caliper inches of existing tree per 1000 SF of lot area must be preserved or planted consistent with the requirements for tree measurement provided in SMC 23.44.008.2. When the preservation option is selected, a Tree Preservation Plan must be prepared.

All trees six (6) inches or greater in diameter, measured four and one-half (4.5) feet above the ground are subject to regulation (SMC 25.11).

A Tree Evaluation and Impact Assessment Report prepared for this site by Arboricultural Consulting on June 19th, 2003 was submitted to DPD. There are sixteen trees on site (one Flowering Cherry, two Siberian Elm, four Pacific Madronna, one Colorado Blue Spruce, three Hawthorn, two Italian Prune, two Sitka Willow and one Douglas Fir) that vary in size from hawthorns as small as 4 inches in diameter to a Siberian elm as large as 40 inches in diameter. The Siberian elm is considered an exceptional tree and the City of Seattle requires the retention and protection of exceptional trees on sites to be developed.

The report states that 15 significant trees are located in the development area. A Tree Retention Plan submitted by the applicant proposes to retain and/or relocate 6 healthy trees which includes 2 Siberian elm, 2 Hawthorn, 1 Douglas fir and 1 Pacific Madronna. Eight trees that have been determined to be in poor condition, because of rot or cankering (see file for report), will be removed. Only 1 tree considered to be in good condition, will be removed because of its location in the proposed access easement. The applicant provided adequate information to DPD explaining why the access easement could not be moved. If the access easement were moved further north, which would be the only other option, the root system of the Exceptional Tree (Siberian Elm) would be compromised. Therefore, the proposed subdivision adequately meets the purpose and intent of Chapter 25.11.010 of the Tree Protection ordinance for the preservation of existing trees.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This criterion is not applicable to this short subdivision.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The proposal site is designated an environmental critical area because of the steep slope along the western boundary that is greater than 40 percent and also designated as landslide prone, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 29, 2003. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion; 2) increased vibration and noise from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Earth

A portion of this site is located within the Steep Slope Environmentally Critical Area (ECA's) as mapped and designated by the City of Seattle. The ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a Geotechnical Engineering Study prepared by Soils & Environmental Engineers, Inc. dated

April 9, 2003. The level of evaluation provided in the geotechnical engineering report is adequate for review of this MUP. Additional information required showing conformance with the Environmentally Critical Areas Ordinance will be required prior to issuance of the building permits.

Drainage

Pursuant to SMC 25.05.675C, additional mitigation beyond that already required by the Stormwater, Grading and Drainage Control Code, Chapter 22.800 of the Seattle Municipal Code, may be required if run-off from a proposed project could have adverse impacts and if the proposed project is located in an environmentally critical area or if the project drains into streams identified by the State Department of Fish and Wildlife as bearing anadromous fish. As mentioned above, this project lies within the Longfellow Creek Drainage basin and runoff from this site will drain into Longfellow Creek, an anadromous bearing stream.

Additionally pursuant to SMC 22.800 the City of Seattle Stormwater Grading and Drainage Control Code projects with less than 5,000 square feet of impervious surface are not required to provide flow control for stormwater unless the director determines that flow control requirements are needed to protect an Environmentally Critical Areas. Longfellow Creek is a Class A riparian corridor, which is an environmentally Critical Area

Long-term Impacts

Long-term impacts are anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces. The runoff from each new site would go to Longfellow Creek. If the sites are developed separately, no detention of stormwater will be required if each is under the 2,000 sq. ft. drainage threshold.

Longfellow Creek provides habitat for aquatic species including coho salmon. The past three years Seattle Public Utilities through their coho spawning surveys have found that a large number of coho salmon that return to Seattle creeks die before they spawn (prespawning mortality). In Longfellow Creek the prespawning mortality of coho has averaged 72% over the past three years. Stormwater runoff is believed to be contributing to these prespawning deaths. Therefore per SMC 22.802.015 D states in part that the Director of DCLU may require sites with less than 5,000 square feet of impervious surface to comply with the requirements set forth in 22.802.016. Therefore flow control measures need

to be incorporated into the design of future development at this site according to Volume 3: Flow Control Technical Requirements Manual, of SMC 22.800.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

Pursuant to SEPA policy 25.05.675 C2c, and SMC 22.802.015 D the following conditions will be imposed:

1. Each development shall be required to detain stormwater runoff from their site. The stormwater detention required shall be designed to meet predevelopment conditions.

CONDITIONS – SHORT SUBDIVISION

The owner(s) and/or responsible party(ies) shall:

2. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. Show the side yard setback for the existing house from the new lot line. The property corners set shall be identified on the plat and encroachments such as fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. The boundaries shall be adjusted if necessary to meet the requirements of the Land Use Code.
3. *Add the "Conditions of Approval upon Application for Construction Permits," noted below, to the plat. These may be added to the face of the plat, or may be attached as a separate page. If the conditions are on a separate page, insert on the face of the plat "For Conditions of Approval upon Application for Construction Permit, see page ____ of ____."*

4. *Please label the parcels alphabetically on the plat. (ie; Parcel A, B, C, & D.)*
5. *Add the access and utility easement language to the legal description.*
6. *Provide the Tree Retention Plan as part of the plat or on another sheet for final recording.*
7. Submit the final recording forms and fee for approval.
8. Submit an Environmentally Critical Area Covenant to DPD prior to recording of the plat.

After Recording and Prior to Issuance of a Building Permit

9. *Attach a copy of the recorded short plat with the building plans upon application for a construction permit.*
10. *Provide a drainage control plan designed to detain stormwater runoff for all 4 parcels.*

Prior to Final of C or D

11. A street address sign, meeting the standards of Chapter 5, Section 502 of the 1997 SBC, shall be erected to show addresses from 21st Avenue Southwest, either by easement or covenant, for all four parcels.

Signature: _____ (signature on file) Date: April 29, 2004

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